

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Erin Drakeley et al.	Art Unit :	3692
Serial No. :	09/371,687	Examiner :	Elda G. Milef
Filed :	August 10, 1999	Conf. No. :	9542
Title :	PROVIDING ONE PARTY ACCESS TO AN ACCOUNT OF ANOTHER PARTY		

Mail Stop Appeal Brief - Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BRIEF ON APPEAL

(1) Real Party in Interest

The real party in interest is FMR LLC., a corporation of Delaware having a place of business at 82 Devonshire Street, Boston, MA 02109, as evidenced by an assignment executed September 27, 2007 and recorded at the U.S. Patent Office on June 3, 2008 at Reel 021043, Frame 0984.

(2) Related Appeals and Interferences

There are no related appeals or interferences.

(3) Status of Claims

Claims 83-109 are pending and on appeal. Of these claims, 83, 92 and 101 are independent.

(4) Status of Amendments

An amendment filed under Rule 41.33(a) was filed on July 8, 2008 to correct a typographical error in claim 83. The amendment has not been entered.

(5) Summary of Claimed Subject Matter

Claim 83

Claim 83's step of "receiving, through a first web page generated by first code, pretender identification information associated with a pretender" is described on page 6, lines 1-3, and page 7, lines 13-19, and in FIG. 4.

Claim 83's step of "using the pretender identification information to identify a set of applications available to the pretender" is disclosed between page 8, lines 3-11, and in FIG. 5.

Claim 83's step of "receiving, through a second web page generated by the first code, information selecting an application from the set of applications, and an account identifier representative of an account of the particular party" is disclosed between page 7, line 32 and page 8, line 7, as well as page 8, lines 12-15.

Claim 83's step of "verifying that the pretender is authorized to access the account" is disclosed on page 8, lines 28-23.

Claim 83's step of "causing the first code to generate a third web page that displays, to the pretender, a view and information that is the same as a view and information of a web page that would be displayed to the particular party were the particular party to access the account through a selected application, the selected application being identified by the information selecting an application from the set of applications" is shown by web page **52** and described on page 11, lines 3-24.

The limitation that the first browser display the view and information to the pretender is disclosed at page 11. lines 22-24.

The limitation that the second browser, which differs from the first browser, would display the view and information to the particular party is disclosed in FIG. 1, which shows two separate browsers, and also at page 11, lines 22-24.

Claim 85

Claim 85's limitation of "providing to a computing system associated with the pretender, the retrieved access information for storage in an access information field of a text file associated

with a session of the pretender” is disclosed between page 6, line 29 and page 7, line 9 of the specification.

Claim 92

Claim 92's instructions for causing a browser to “receive, through a first web page generated by first code, pretender identification information associated with a pretender” is described on page 6, lines 1-3, and page 7, lines 13-19, and in FIG. 4.

Claim 92's instructions for causing a browser to “use the pretender identification information to identify a set of applications available to the pretender” is disclosed between page 8, lines 3-11, and in FIG. 5.

Claim 92's instructions for causing a browser to “receive, through a second web page generated by the first code, information selecting an application from the set of applications, and an account identifier representative of an account of the particular party” is disclosed between page 7, line 32 and page 8, line 7, as well as page 8, lines 12-15.

Claim 92's instructions for causing a browser to “verify that the pretender is authorized to access the account” is disclosed on page 8, lines 28-23.

Claim 92's instructions for causing a browser to “cause the first code to generate a third web page that displays, to the pretender, a view and information that is the same as a view and information of a web page that would be displayed to the particular party were the particular party to access the account through a selected application, the selected application being identified by the information selecting an application from the set of applications” is shown by web page **52** and described on page 11, lines 3-24.

The limitation that the first browser display the view and information to the pretender is disclosed at page 11, lines 22-24.

The limitation that the second browser, which differs from the first browser, would display the view and information to the particular party is disclosed in FIG. 1, which shows two separate browsers, and also at page 11, lines 22-24.

Claim 94

Claim 94's limitation of instructions that cause a processor to "provide, to a computing system associated with the pretender, the retrieved access information for storage in an access-information field of a text file associated with the session" is disclosed between page 6, line 29 and page 7, line 9 of the specification.

Claim 101

Claim 101's memory comprising instructions that cause a processor to "receive, through a first web page generated by first code, pretender identification information associated with a pretender" is described on page 6, lines 1-3, and page 7, lines 13-19, and in FIG. 4.

Claim 101's memory comprising instructions that cause a processor to "use the pretender identification information to identify a set of applications available to the pretender" is disclosed between page 8, lines 3-11, and in FIG. 5.

Claim 101's memory comprising instructions that cause a processor to "receive, through a second web page generated by the first code, information selecting an application from the set of applications, and an account identifier representative of an account of the particular party" is disclosed between page 7, line 32 and page 8, line 7, as well as page 8, lines 12-15.

Claim 101's memory comprising instructions that cause a processor to "verify that the pretender is authorized to access the account" is disclosed on page 8, lines 28-23.

Claim 101's memory comprising instructions that cause a processor to "cause the first code to generate a third web page that displays, to the pretender, a view and information that is the same as a view and information of a web page that would be displayed to the particular party were the particular party to access the account through a selected application, the selected application being identified by the information selecting an application from the set of applications" is shown by web page 52 and described on page 11, lines 3-24.

The limitation that the first browser display the view and information to the pretender is disclosed at page 11. lines 22-24.

The limitation that the second browser, which differs from the first browser, would display the view and information to the particular party

Claim 103

Claim 103's limitation of a memory that includes instructions for causing a processor to "provide, to a computing system associated with the pretender, the retrieved access information for storage in an access-information field of a text file associated with the session" is disclosed between page 6, line 29 and page 7, line 9 of the specification.

(6) Grounds of Rejection to be Reviewed on Appeal

Independent claims 83, 92, and 101 stand rejected as being rendered obvious by the combination of *Roberts*, U.S. Patent No. 6,754,693. and *Ellmore*, U.S. Patent No. 7,058,817.

Claims 85, 94, and 103 stand rejected as being rendered obvious under 35 USC 103 by the combination of *Roberts* and *Ellmore*.

(7) Argument

***Roberts*¹**

Roberts teaches a system in which two participants view the same content on two different browsers **18, 28**. To cause this to happen, each participant downloads an applet **22, 30** from a server **20**. *Roberts* discloses two kinds of applets: a user applet **22**, and a service applet **30**. Examples of service applets **30** include an administrator applet and a sales applet.

Since different participants receive different applets, some way must be provided to enable the server **20** to know which applet **30** to provide to a requesting participant. *Roberts* achieves this by recognizing the appropriate applet on the basis of a name and password provided by the requesting participant.

***Ellmore*²**

As a threshold matter, *Ellmore* '817 itself is not prior art because Applicant's priority date of August 10, 1999 precedes *Ellmore*'s filing date of June 30, 2000. What is prior art is U.S.

¹ *Roberts*, U.S. Patent No. 6,754,693.

² *Ellmore*, U.S. Patent No. 7,058,817.

provisional application 60/142,118, filed on July 2, 1999. The content of U.S. provisional application 60/142,118 differs significantly from that of U.S. Application No. 09/608,851, which matured into *Ellmore* '817. Accordingly, to the extent the Examiner relies upon subject matter in 09/608,851 that was not in 60/142,118, the rejection would be relying on subject matter that is not prior art.

In rejecting the claim, the Examiner does not specifically identify what portion of *Ellmore* '817 is relied upon. Hence, it is not possible to determine whether the Examiner relies upon subject matter disclosed in 60/142,118.

Ellmore '817, which is assigned to Chase Manhattan Bank, teaches a system for allowing a user to access any one of his own bank accounts using a single password. However, *Ellmore* '817 does not disclose allowing a user to use his password to view *other people's* bank accounts.

The provisional application 60/142,118 describes the functions of a system administrator at section 1.8, entitled "Customer Support Functions."³ These functions include re-setting passwords, adding or deleting users, and adding or deleting accounts. Completely absent is any suggestion that the administrator can view a user's actual account. In fact, the importance of ensuring a user's privacy is implicit in section 1.8.1.1 which states that "Chase's policy is to prevent any human...from seeing user passwords."⁴

Section 103 Rejection of claims 83, 92, and 101

The Examiner concedes *Roberts'* failure to teach the limitation of

"on the basis of the pretender identification information and the account identifier, verifying that the pretender is authorized to access the account [*of the particular party*];"

In examining the foregoing limitation, it is important to observe that the pretender is using *his own* identification information to access *someone else's* account. The pretender is *not* using his own identification information to access *his own* account.

³ USSN 60/142,118, page 57.

⁴ USSN 60/142,118, page 58.

Motivation to combine references is flawed

Applicant recognizes that one of ordinary skill in the art would have found it obvious to use one's own password to inspect *one's own* account. But the idea of using one's own password to inspect *someone else's account* defies common sense. Doing so would negate the purpose of a password.

Nevertheless, the Examiner suggests that one of ordinary skill in the art would have found it obvious to modify *Roberts* to allow a user to use his own validation code to access *not his own account* but *someone else's account*.

As a basis for modifying the primary reference, the Examiner states that one of ordinary skill in the art would have found it obvious "to modify *Roberts* to explicitly include receiving an account identifier such as an account number as evidence by *Ellmore* in order to provide secure online access to personal information."⁵

But in fact, one of ordinary skill in the art would have recognized immediately that allowing one user to inspect an account belonging to another would undermine the ability "to provide secure online access to personal information." In fact, the proposed modification would have struck one of ordinary skill in the art as an invitation to invade another's privacy.

Accordingly, Applicant suggests that one of ordinary skill in the art would never have modified *Roberts* to allow a non-user applet **30** to actually gain access to an account belonging to a customer who uses the user applet **22** since to do so would only serve to invade the privacy of the customer who uses the user applet **22**.

***Ellmore* fails to teach allowing inspection of other people's accounts**

As discussed above, *Ellmore* teaches a system in which a bank's customer uses a single password to access all his bank accounts. *Ellmore* does not teach using a password to access bank accounts belonging to *other* bank customers.

Hence, even if one were to somehow combine *Ellmore* with *Roberts*, the result would still lack the limitation of "on the basis of the pretender identification information and the

⁵ *Office Action*, page 4.

account identifier, verifying that the pretender is authorized to access the account [*of the particular party*].”

***Roberts* fails to teach receiving information selecting an application.**

As best understood, the Examiner regards the user who receives the user applet **22** as corresponding to claim 83's “particular party,” and the user who receives one of the service applets **30** as corresponding to claim 83's “pretender.” With this in mind, it appears that the Examiner has mapped the first few claim limitations as follows:

receiving, through a first web page generated by first code, pretender identification information associated with a pretender;	At <i>Roberts</i> col. 11, lines 7-16, the “validation code” and/or the user ID and password is the “pretender identification information”
using the pretender identification information to identify a set of applications available to the pretender;	Col. 12, lines 17-25 of <i>Roberts</i> list several views, each having a corresponding applet. These applets comprise the “set of applications available to the pretender.”
receiving, through a second web page generated by the first code, information selecting an application from the set of applications, and an account identifier representative of an account of the particular party;	Allegedly disclosed by the same passage that discloses step [a] and the same passage that discloses step [b]

It is apparent that the proposed mapping from *Roberts* to claim 83 begins to unravel at the second “receiving” step.

Roberts discloses receiving identification information and using that identification information to identify a particular applet. This is presumably regarded as “using the pretender information to identify a set of applications available to the pretender,” at least where the “set of applications” consists of only the one applet.

But if this is the case, then the step of “receiving, through a second web page...information selecting an application from the set of applications” cannot be met. With only one applet available for a particular pretender ID, there would never be a need for a selection step. In effect, the identification information provided by the user *has already selected* an applet.

In *Roberts*, once server **20** identifies the participant, it downloads a particular applet corresponding to that participant. *Roberts* does not invite a participant to choose an applet from a set of available applets. The applet has *already been selected*

Furthermore, *Roberts* fails to teach anything remotely resembling “receiving, through a second web page, an account identifier representative of an account of the particular party.”

According to Applicant's specification, an “account” means “any type of investment account.”⁶ There is nothing in *Roberts* that corresponds to an “account” as Applicant, acting as his own lexicographer, has defined it.

At best, *Roberts* teaches receiving a password associated with a particular session. This is similar to the password one might provide to join a telephone conference. Such a password is not “representative of an account of the particular party.” It is simply a password for joining a transitory session.

Claims 92 and 101 include limitations similar to claim 83 and are patentable for at least the same reasons. Claims 84-91, 93-100, and 102-109 all depend on their respective independent claims and are patentable for at least the same reasons.

Section 103 Rejection of Claims 85, 94, and 103

Claim 85 recites the additional limitation of

“providing to a computing system associated with the pretender, the retrieved access information for storage in an access information field of a text file associated with a session of the pretender”

⁶ *Specification*, page 6, lines 5-6.

The Examiner suggests that *Roberts* discloses this limitation somewhere between col. 11, line 1 and col. 12, line 35. However, there is no reference to any text file in the cited text. Hence, it is not clear what the Examiner could possibly regard as corresponding to "an access information field of a text file associated with a session of the pretender."

Claims 94 and 103 include limitations similar to claim 85 and are patentable for at least the same reasons.

Accordingly, even if one were to combine the references, the resulting combination would fail to teach providing anything "for storage in an access information field of a text file associated with a session of the pretender" as required by claim 85.

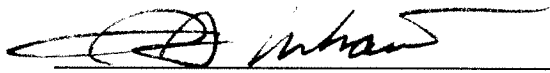
(8) Conclusion

Please apply the \$510 appeal brief fee, along with any other charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 08575-048001.

Respectfully submitted,

Date: _____

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Appendix of Claims

83. A method for displaying, to a pretender, a view and information that is also displayed to a particular party, the method comprising:
- receiving, through a first web page generated by first code, pretender identification information associated with a pretender;
- using the pretender identification information to identify a set of applications available to the pretender;
- receiving, through a second web page generated by the first code,
- information selecting an application from the set of applications, and
- an account identifier representative of an account of the particular party;
- on the basis of the pretender identification information and the account identifier, verifying that the pretender is authorized to access the account; and
- causing the first code to generate a third web page that displays, to the pretender, a view and information that is the same as a view and information of a web page that would be displayed to the particular party were the particular party to access the account through a selected application, the selected application being identified by the information selecting an application from the set of applications
- wherein a first browser displays the view and information to the pretender, and
- wherein a second browser, which differs from the first browser, would display the view and information to the particular party.
84. The method of claim 83, further comprising:
- in response to receiving the pretender identification information,

authenticating the pretender; and

starting a session in which the pretender interacts with the first code.

85. The method of claim 83, further comprising:

retrieving access information that identifies applications that are available,

through the first code, for use by the authenticated pretender; and

providing to a computing system associated with the pretender, the retrieved access information for storage in an access information field of a text file associated with a session of the pretender.

86. The method of claim 83, further comprising:

retrieving account information that identifies programs associated with the selected application, the programs being available for use by the pretender through a selected application to access account data associated with the account of the particular party; and

providing, to a computing system associated with the pretender, the retrieved account information for storage in an account-information field of a text file associated with the session.

87. The method of claim 86, wherein the retrieved account information specifies a right selected from the group consisting of: a right of the pretender to execute a program from within a selected application; a right of the pretender to change a parameter of an account of the particular party; and a right of the pretender to access a database.

88. The method of claim 83, wherein the third web page displays an icon representative of a program that is executable from within the selected application

to provide the pretender with access to account data associated with the account of the particular party.

89. The method of claim 83, wherein the third web page displays information indicating that the pretender is impersonating the particular party.
90. The method of claim 83, wherein the pretender identification information comprises a user identifier and an authenticator.
91. The method of claim 83, wherein the set of applications comprises an application selected from the group consisting of:

an application for accessing a retirement account, and

an application for accessing an investment account.
92. A computer-program product, stored on a computer-readable medium, the computer-program product comprising software for displaying, to a pretender, a view and information that is also displayed to a particular party, the software comprising instructions that cause a processor to:

receive, through a first web page generated by first code, pretender identification information associated with a pretender;

use the pretender identification information to identify a set of applications available to the pretender;

receive, through a second web page generated by the first code,

information selecting an application from the set of applications, and

an account identifier representative of an account of the particular party;

on the basis of the pretender identification information and the account identifier, verify that the pretender is authorized to access the account; and

cause the first code to generate a third web page that displays, to the pretender, a view and information that is the same as a view and information of a web page that would be displayed to the particular party were the particular party to access the account through a selected application, the selected application being identified by the information selecting an application from the set of applications.

wherein a first browser displays the view and information to the pretender, and

wherein a second browser, which differs from the first browser, would display the view and information to the particular party.

93. The computer-program product of claim 92, wherein the computer-program product further comprises instructions that cause the processor to:

in response to receipt of the pretender identification information,
authenticate the pretender; and

start a session in which the pretender interacts with the first code.

94. The computer-program product of claim 93, further comprising instructions that cause the processor to:

retrieve access information that identifies the remote user applications that are available for use by the authenticated pretender through the first code; and

provide, to a computing system associated with the pretender, the retrieved access information for storage in an access-information field of a text file associated with the session.

95. The computer-program product of claim 92, further comprising instructions that cause the processor to:

retrieve account information that identifies programs associated with the selected application, the programs being available for use by the pretender through a selected application to access account data associated with the account of the particular party; and

provide, to a computing system associated with the pretender, the retrieved account information for storage in an account-information field of a text file associated with a session of the pretender.

96. The computer-program product of claim 95, wherein the retrieved account information specifies a right selected from the group consisting of: a right of the pretender to execute a program from within a selected application; a right of the pretender to change a parameter of an account of the particular party; and a right of the pretender to access a database.

97. The computer-program product of claim 92, wherein the instructions to cause the processor to generate a third web page comprise instructions to cause the processor to:

generate a third web page that, when rendered by a web browser, displays an icon representative of a program that is executable from within the selected application to provide the pretender with access to account data associated with the account of the particular party.

98. The computer-program product of claim 92, wherein the instructions to cause the processor to generate a third web page comprise instructions to cause the processor to:

generate a third web page that, when rendered by a web browser, displays information indicating that the pretender is impersonating the particular party.

99. The computer-program product of claim 92, wherein the instructions for receiving pretender identification information comprise instructions to receive a user identifier and an authenticator.
100. The computer-program product of claim 92, wherein the instructions that cause a processor to identify a set of applications comprise instructions for selecting an application from the group consisting of: an application for accessing a retirement account, and an application for accessing an investment account.
101. An apparatus for displaying, to a pretender, a view and information that is also displayed to a particular party, the apparatus comprising:
- a processor; and
- a memory comprising instructions that cause the processor to:
- receive, through a first web page generated by first code, pretender identification information associated with a pretender;
- use the pretender identification information to identify a set of applications available to the pretender;
- receive, through a second web page generated by the first code,
- information selecting an application from the set of applications, and
- an account identifier representative of an account of the particular party;
- on the basis of the pretender identification information and the account identifier, verify that the pretender is authorized to access the account; and
- cause the first code to generate a third web page that displays, to the pretender, a view and information that is the same as a view and information of a web page that would be displayed to the particular party were the particular party

to access the account through a selected application, the selected application being identified by the information selecting an application from the set of applications.

wherein a first browser displays the view and information to the pretender, and

wherein a second browser would display the view and information to the particular party,

the second browser being different from the first browser.

102. The apparatus of claim 101, wherein the memory further comprises instructions that cause the processor to:

authenticate the pretender; and

start a session in which the pretender interacts with the first code.

103. The apparatus of claim 102, wherein the memory further comprises instructions that cause the processor to:

retrieve access information that identifies the applications that are available, through the first code, for use by the authenticated pretender; and

provide, to a computing system associated with the pretender, the retrieved access information for storage in an access-information field of a text file associated with the session.

104. The apparatus of claim 101, wherein the memory further comprises instructions that cause the processor to:

retrieve account information that identifies programs associated with the selected application, the programs being available for use by the pretender through the

selected application to access account data associated with the account of the particular party; and

provide, to a computing system associated with the pretender, the retrieved account information for storage in an account-information field of a text file associated with a session of the pretender.

105. The apparatus of claim 104, wherein the retrieved account information specifies a right selected from the group consisting of: a right of the pretender to execute a program from within the selected application; a right of the pretender to change a parameter of the second account; and a right of the pretender to access a database.

106. The apparatus of claim 101, wherein the memory comprises instructions to cause the processor to:

generate a third web page that, when rendered by a web browser, displays an icon representative of a program that is executable from within the selected application to provide the pretender with access to account data associated with the account of the particular party.

107. The apparatus of claim 101, wherein the memory comprises instructions to cause the processor to:

generate a third web page that, when rendered by a web browser, displays information indicating that the pretender is impersonating the particular party.

108. The apparatus of claim 101, wherein the pretender identification information comprises a user identifier and an authenticator.

109. The apparatus of claim 101, wherein the set of applications comprises an application selected from the group consisting of: a remote user application for use in accessing a retirement account, and a remote user application for use in accessing an investment account.

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Evidence Appendix

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Related Proceedings Appendix

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